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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

Latvia

1. The Committee considered the initial report of Latvia (CRC/C/11/Add.22), received on 25 November 1998, at its 671st and 672nd meetings (see CRC/C/SR.671 and 672), held on 9 January 2001, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the written replies to its list of issues (CRC/C/Q/LAT/1). The Committee notes with appreciation the broad ranging delegation sent by the State party and welcomes the frank discussion and the positive reactions to the suggestions and recommendations made during the discussion.

B. Positive aspects

3. The Committee welcomes the recent adoption of new laws, as well as the amendments to the domestic legislation with a view to bringing it into conformity with the principles and provisions of the Convention. In particular, it welcomes the amendment of 1998 of the Citizenship Law according to which all children born in Latvia since 1991 are automatically entitled to citizenship. It also takes note with appreciation of, inter alia, the Law on the Protection of the Rights of the Child of 1998 and the Law on Custody and Local Courts of 1995.

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* At the 697th meeting, held on 26 January 2001.

4. The Committee notes the establishment in 1998 of the Commission for the Protection of Children's Rights at the Cabinet of Ministers, in 1996 of the Subcommission for the Protection of Children's Rights within the Parliament, in 1995 of the National Centre for the Rights of the Child within the Ministry of Education and Science, which was revised in 1998, and in 1995 of Custody Courts dealing with the protection of the rights of children in relations with their parents and third parties.

5. The Committee notes with appreciation the National Programme for Preventing Sexual Violence against Children for 2000-2004 and the 1999 programme of the Ministry of the Interior for the elimination of child crime and the protection of children against criminal offences.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the economic and social difficulties facing the State party, including increased unemployment and poverty, caused mainly by the transition to a market economy, have had a negative impact on the situation of children and have impeded and are still impeding the full implementation of the Convention.

D. Subjects of concern and recommendations

1. General measures of implementation

Legislation

7. While noting that the Law on the Protection of the Rights of the Child of 1998 reflects some principles and provisions of the Convention, the Committee nevertheless remains concerned that other relevant laws, inter alia some outdated provisions regarding family and adoption in the 1937 Civil Law, are not in full conformity with the Convention and that disparities exist between law and practice.

8. The Committee recommends that the State party continue its efforts in the field of law reform to ensure that its legislation is fully compatible with the provisions and principles of the Convention and with a child-rights approach, and that it take effective steps to ensure that these measures are fully implemented.

Coordination

9. The Committee notes with appreciation the establishment of the National Centre for the Rights of the Child and its role in coordinating the work of State and municipal institutions on issues regarding the protection of children's rights, but remains concerned whether the Centre has the capacity to perform this important role in a satisfying manner.

10. The Committee recommends that the State party provide the National Centre for the Rights of the Child with the financial and human resources necessary to enable it to coordinate effectively the various activities related to the implementation of the Convention at the national level and between the central Government and the local administration level.

Allocation of budgetary resources

11. In light of article 4 of the Convention, the Committee expresses its concern that not enough attention has been paid to allocating adequate budgetary resources for the implementation of existing child rights legislation, in particular to local governments, and that policies related to children are not clear priorities in the State budget.

12. Also in light of article 4 of the Convention, the Committee encourages the State party to identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources for the full implementation of the economic, social and cultural rights of children, in particular to local governments and for children belonging to the most vulnerable groups in society. It further recommends that the State party identify the amount and proportion of its budget that is spent on children at the national and local levels in order to be able to evaluate the impact of the expenditures on children.

Independent monitoring structures

13. The Committee emphasizes the importance of setting up an independent mechanism with a mandate to monitor and evaluate progress in the implementation of the Convention, both at the national and the local level, and notes that the State party has started to take steps in this direction.

14. The Committee encourages the State party to continue working towards the establishment of an independent body easily accessible to children, such as an ombudsperson for children or a national commission for children's rights, established in accordance with the Paris Principles (General Assembly resolution 48/134), to monitor the implementation of the Convention and to deal in an expeditious and efficient way with individual complaints concerning children's rights. In this regard, the Committee further recommends that the State party consider seeking technical assistance from UNICEF, the Office of the High Commissioner for Human Rights and the United Nations Development Programme (UNDP), among others.

Data collection

15. The Committee expresses its concern at the fact that a systematic and comprehensive system for the collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children is not yet fully developed.

16. The Committee recommends that the State party continue to develop a system of data collection and indicators consistent with the Convention. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect, or ill-treatment; children with disabilities; non-citizen children; children belonging to minorities; children in conflict with

the law; children who work; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

Dissemination of the principles and provisions of the Convention

17. While noting the efforts of the State party in disseminating information about the Convention, the Committee is concerned that the principles and provisions of the Convention are not disseminated at all levels of society, and in particular in the rural areas.

18. The Committee recommends that the State party develop more creative methods to promote the Convention, including through audiovisual aids such as picture books and posters. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to fully integrate the Convention into the curricula at all levels of the educational system.

Civil society

19. The Committee notes with concern that the participation and involvement of relevant non-governmental organizations and of civil society at large in the formulation and implementations of policies and programmes relating to children is not systematic.

20. The Committee emphasizes the important role civil society and non-governmental organizations in particular play as partners in implementing the provisions of the Convention, and recommends that the State party consider a methodical approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making.

2. General principles

General principles

21. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and programmes relevant to children at both national and local levels.

22. The Committee recommends that the general principles of the Convention, in particular the provisions of its articles 2, 3 and 12, be appropriately integrated in all relevant legislation concerning children and applied in all political, judicial and administrative decisions and in projects, programmes and services which have an impact on all children, including non-citizen children, and guide the determination of policy-making at every level and actions taken by social and health welfare institutions, courts of law and administrative authorities.

Non-discrimination

23. The Committee is concerned that the principle of non-discrimination is not fully implemented for non-citizen children, children belonging to minorities, including Roma children, poor or dysfunctional families, children with disabilities and children living in rural areas, especially with regard to their access to adequate health and educational facilities. In this context, it notes with interest the State programme for the improvement of the condition of children in the country for 1999. It further takes note with concern of the requirement to record ethnic origin in passports.

24. The Committee recommends that the State party collect disaggregated data to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing measures to put an end to any form of discrimination. It further reiterates the recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports (A/54/18, para. 407).

3. Civil rights and freedoms

Right to nationality

25. The Committee is deeply concerned that, although all children born in Latvia after 1991 are automatically entitled to citizenship according to the amendment of 1998 of the Citizenship Law, there is still a large number of children who are without Latvian nationality. Further it expresses its concern at the slow pace in general of the process of naturalization of non-citizens in Latvia.

26. In light of article 7 of the Convention, the Committee concurs with the recommendation of the Committee on the Elimination of Racial Discrimination to streamline the process of naturalization for all those who apply for citizenship (A/54/18, para. 404) and, in particular, it encourages the State party to provide more information and support to the parents of non-citizen children to enable them to apply for citizenship on behalf of their children.

Corporal punishment

27. While noting that the Law on the Protection of the Rights of the Child of 1998 explicitly prohibits corporal punishment, the Committee expresses its concern at the still widespread use of corporal punishment, in particular within the family and in school and other institutions.

28. In light of articles 19 and 28 (2) of the Convention, the Committee encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment and to promote alternative forms of discipline in families, to be administered in a manner consistent with the child's dignity and in conformity with the Convention. It also recommends the effective enforcement of the ban on corporal punishment in school and other institutions.

4. Family environment and alternative care

Children living in institutions

29. The Committee expresses its concern at the high number of children living in institutions, due mainly to the fact that children living in vulnerable families or with a very low income cannot be supported because of the lack of alternative care and of social assistance.

30. In light of articles 18 and 26 of the Convention, the Committee encourages the State party to develop comprehensive measures to support vulnerable families with a view to assisting them in their child-rearing responsibilities, for instance by increasing various forms of social assistance to families or by securing child-care services and facilities to help them with their child-rearing.

Child abuse and neglect

31. While noting the National Programme for the Prevention of Sexual Violence for 2000-2004, the Committee expresses its concern about the lack of data, appropriate measures and mechanisms and resources to prevent and combat domestic violence, including child sexual abuse. Further, child victims do not have the right to free legal assistance and the judicial procedure is not child-friendly, in particular because the child victims are subjected to repeated questioning.

32. In light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to understand the extent, scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy. Measures should also be taken to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

Adoption

33. The Committee expresses its concern at the fact that the current legislation regulating adoption is out of date and does not guarantee adequate protection of the child involved, as recognized in the Convention. Further, as the procedures for adoption, in particular intercountry adoption, are complicated and as there is virtually no foster system available, it notes that a significant number of children are obliged to live in orphanages and institutions for long periods.

34. In light of article 21 and other related provisions of the Convention, the Committee encourages the State party to adopt the new legislation regarding adoption in order to simplify and expedite the procedures for adoption. Further, it recommends that the State party undertake measures to facilitate the creation of a foster care system with sufficient

financial support. It also encourages the State party to continue the process for the ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

5. Basic health and welfare

Health and health services

35. While noting that the State party started a process focusing on preventive health care, the Committee is concerned that the situation of maternal, child and reproductive health is poor. In particular, it notes with concern the high rates of infant mortality, even though it has been decreasing in recent years, and of child morbidity, in particular the high incidence of tick-induced encephalitis and diphtheria. It also takes note that the immunization programme has been delayed because sufficient funds were not available and that it is no longer available in schools.

36. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children, without discrimination. With reference to the immunization programme, the Committee encourages the State party to look to international cooperation for support in the manufacture and procurement of vaccines.

Children with disabilities

37. The Committee expresses its concern about the fact that children with disabilities are granted additional State benefits only up to the age of 16 and that children with disabilities living in rural areas do not have access to the same level of services and medicines as children living in other parts of the country. Further, it is concerned at the high proportion of children with disabilities who are institutionalized. It also notes with concern that the integration of children with disabilities into the normal educational system is problematical owing to the lack of specialized teachers and the fact that schools are not easily accessible for children with motor impairment.

38. The Committee recommends that the State party allocate the necessary resources for programmes and facilities for all children with disabilities up to the age of 18, especially the ones living in rural areas, and develop community-based programmes in order for the children to be able to stay at home with their families. In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (see CRC/C/69), it is also recommended that the State further encourage their integration into the educational system and inclusion into society, including by providing special training to teachers and by making schools more accessible.

Adolescent health

39. The Committee expresses its concern regarding the rise in the number of children and youths using drugs, alcohol and tobacco, the increase in cases of sexually transmitted diseases (SDTs) and HIV/AIDS among youth, and the growing use of abortion as a method of birth control. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for alcohol and drug addiction. It also notes the lack of sufficient prevention and rehabilitation information, especially on reproductive health in the schools.

40. The Committee recommends that the State party increase its efforts to promote adolescent health, including mental health policies, particularly with respect to alcohol consumption, substance abuse and reproductive health, and develop a programme for health education in schools. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of STDs and HIV/AIDS, in order to be able to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-friendly counselling, care and rehabilitation facilities that are accessible, without parental consent when this is in the best interests of the child.

Adequate standard of living

41. The Committee expresses its concern at the high proportion of families, in particular those with three or more children, living at the subsistence level and families threatened with eviction because of the effect of the transition to a market economy on the social welfare system as a whole.

42. In light of articles 3, 4, 6, 26 and 27 of the Convention, the Committee encourages the State party to take all appropriate measures to the maximum extent of its available resources, in particular at the local level, to support families in a difficult economic and/or social situation in order to ensure, to the maximum extent possible, the survival and development of all children living in Latvia.

6. Education, leisure and cultural activities

Education

43. The Committee notes with concern the high number of children not attending compulsory primary school. Further, it expresses its concern at the fact that a number of schools in rural areas have been closed and that the quality of education provided in rural areas is inferior to that in urban areas.

44. In light of article 28 of the Convention, the Committee recommends that the State party undertake appropriate measures to ensure regular attendance at schools and the reduction of drop-out, including by continuing the "School is waiting for you" campaign carried out by the National Centre for Protection of Children's Rights to inform society of the need to ensure that all children attend primary school, and to assist local governments in their work to implement regulations on registration of children. Further, it encourages the State party to undertake measures to facilitate the regular attendance at school of children from poor and/or dysfunctional families.

7. Special protection measures

Administration of juvenile justice

45. The Committee is concerned that the juvenile justice system is not fully in compliance with the Convention and that the justice system as a whole is not efficient. In particular, it expresses its concern at reports of juvenile offenders spending long periods in pre-trial detention because the justice system is overloaded. Further, it expresses its concern at cases of juvenile offenders kept in adult prison facilities and that there are no programmes for their rehabilitation and reintegration into society.

46. The Committee recommends that the State party review its law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to ensuring child-friendly practices by the police and other levels of the juvenile justice system and the separation of juvenile and adult offenders in prison. In particular, it reminds the State party that juvenile offenders should be dealt with without delay and that pre-trial detention should not be longer than the period prescribed by law and should be used only as a measure of last resort. Alternative measures to detention should be used whenever possible. The Committee recommends that the State party incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular to guarantee them access to effective complaints procedures covering all aspects of their treatment, and take appropriate rehabilitative measures to promote the social reintegration of the children involved in the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

Sexual exploitation and trafficking

47. The Committee notes with concern that prostitution is rapidly spreading among minors and that the only rehabilitation programmes available are short term.

48. The Committee recommends that the State party implement the National Programme for the Prevention of Sexual Violence for 2000-2004, in particular its rehabilitation and reintegration aspects. Further, it recommends that the State party undertake a study of commercial sexual exploitation and abuse of children in order to understand its scope and causes and to develop programmes for monitoring the problem and to prevent and combat it, taking into account the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children. In particular, it encourages the State party to prevent the criminalization and stigmatization of the victims.

Children living in the streets

49. The Committee expresses its concern at the significant number of children living in the streets. It notes that even though the Law on the Protection of the Rights of the Child covers children living in the street, no specific mechanisms have been established for its implementation and that assistance to the children living in the streets is generally provided only by non-governmental organizations.

50. The Committee recommends that the State party support existing mechanisms to provide children living in the streets with food, clothing, housing, health care and educational opportunities, including vocational and life-skills training. Moreover, the State party should ensure that these children are provided, whenever necessary, with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

Children belonging to minority groups

51. The Committee notes with concern that the Education Law of 1998 foresees that, as of 2004, all State-funded schools will provide secondary education in Latvian only, while bilingual education will be available only until 9th grade. Further, it notes the slow pace of the National Programme for Integration of Society in Latvia, owing in particular to a lack of funding.

52. The Committee encourages the State party to ensure that children belonging to minorities can also use their own language in secondary education, in accordance with articles 29 and 30 of the Convention. Further, it encourages the enforcement of the integration process, in particular at community level, and the provision of more information about the process.

Optional protocols

53. The Committee takes note of the fact that the Government of Latvia has started the internal procedure of accession to the Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts.

54. The Committee invites the State party to continue this process and to ratify the two Optional Protocols to the Convention.

9. Dissemination of reports

55. Finally, the Committee recommends that, in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.